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9 *Attorneys for Plaintiff, Steven Olshansky*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

13 STEVEN OLSHANSKY,
14 Plaintiff;
15 vs.
16 ELDORADO RESORTS CORPORATION, a
Florida corporation; MICHAEL MARRS;
17 KRISTEN BECK; DOMINIC TALEGHANI;
AND DOES 1-50, inclusive;
18 Defendants.

Case No.: 2:15-cv-01017-RFB-PAL

**PLAINTIFF'S REQUEST FOR AN
EXTENTION TO FILE AN OPPOSITION
TO THE MOTION FOR SUMMARY
JUDGEMENT.**

[Plaintiff's Second Request for an Extension
to Respond to Dispositive Motions]

21
22 COMES NOW, Plaintiff, STEVEN OLSHANSKY, by and through their attorney of
record, hereby submits Plaintiff's Motion for Extension of Time to Respond to Dispositive
23 Motions. This motion is made under the Federal Rule of Civil Procedure (hereinafter "FRCP")
rule 6(b)(1)(A) and Nevada District Court Local Rules (hereinafter "LR") 6-2 and 26-4.
24 Defendant filed their Motion for Summary Judgment on March 23, 2017. The current deadline
25 for Plaintiff's response is April 24, 2017.
26
27

**PLAINTIFF'S MOTION FOR AN EXTENSION TO RESPOND TO DEFENDANTS'
DISPOSITIVE MOTIONS (Second Request)**

1 This motion is based on this Motion, the Memorandum of Points and Authorities filed
2 herewith, the pleadings and papers filed herein and upon such other matters as may be presented
3 to the Court at the time of the hearing.

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6 DATED: April 24, 2017

WATKINS & LETOFSKY, LLP

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By: /s/ Daniel R. Watkins

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

FACTS

As the Court is aware, this case is one of thirty-three related lawsuits (“Related Cases”) sitting before this Court. Recognizing the complexity of litigating these lawsuits simultaneously, the parties agreed to divide the cases into five groups and stagger deadlines in order to streamline the litigation process and avoid overlapping dispositive motion deadlines. (*See* ECF No. 61, 2:4-1).

On March 23, 2017, Defendant filed their Motion for Summary Judgment. (ECF No. 68). Defendant also filed three other Motions for Summary Judgment in the related cases.¹

In *Bouch v. Eldorado Resorts Corporation, et al.*, the motion consisted of thirty-one pages and thirty-nine exhibits (ECF No. 68), a Notice of Filing (ECF No. 70) and Index of Exhibits (ECF No. 69), totaling approximately 402 (four-hundred and two) pages. In *Olshansky v. Eldorado Resorts Corporation, et al.*, the motion consisted of eighteen pages and twenty exhibits (ECF No. 62), a Notice of Filing (ECF No. 64) and Index of Exhibits (ECF No. 63), totaling approximately 271 (two-hundred and seventy-one) pages. In *Parr v. Eldorado Resorts Corporation, et al.*, the motion consisted of thirty-one pages and twenty-three exhibits (ECF No. 53), a Notice of Filing (ECF No. 55) and Index of Exhibits (ECF No. 54), totaling approximately 261 (two-hundred and sixty one) pages. In *Sekkatv. Eldorado Resorts Corporation, et al.*, the motion consisted of twenty-five and twelve exhibits (ECF No. 64), a Notice of Filing (ECF No. 66) and Index of Exhibits (ECF No. 65), totaling approximately 261 (two-hundred and sixty one) pages.

¹ The Motions for Summary Judgment filed on March 23, 2017 are: *Sekkat v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01029-RFB-PAL (ECF No. 64); *Parr v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01030-RFB-PAL (ECF No. 53); *Olshansky v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01017-RFB-PAL (ECF No. 62); and *Bouch v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01023-RFB-PAL (ECF No. 68).

1 Since March 23, 2017, there's been almost daily depositions or cancelled depositions that
2 took place. Furthermore, Plaintiffs' law firm, Watkins & Letofsky, brought back an associate
3 from Medical Leave to help with the instant case and Related Cases. Defense Counsel felt there
4 might be a conflict of interest with the specific associate and she was taken off the case as a
5 courtesy to Defendants. However, a new associate has not yet been hired to replace her tasks on
6 the Related Cases.

7 The current deadline for Plaintiff to respond to Defendants' dispositive motions is April
8 24, 2017. Plaintiff files this current motion seeking an extension until May 15, 2017 to provide a
9 meaningful response to Defendants' Motions for Summary Judgment.

10 **II.**

11 **ARGUMENT**

12 **A. LEGAL STANDARD FOR EXTENSION OF TIME**

13 **Federal Rule of Civil Procedure, Rule 6 (b) EXTENDING TIME.**

14 (1) *In General.* When an act may or must be done within a specified time,
the court may, for good cause, extend the time:

15 (A) with or without motion or notice if the court acts, or if a request
is made, before the original time or its extension expires; or

17 (B) on motion made after the time has expired if the party failed to
act because of excusable neglect.

19 Federal Rule of Civil Procedure 6(b)(1)(A) permits a party to extend a deadline prior to
20 its expiration upon a showing of "good cause." The standard to be applied by a court under
21 FRCP 6(b)(1) is a liberal one in order to "effectuate the general purpose of seeing that cases are
22 tried on the merits." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9 Cir. 2010).
23 "Good cause is a non-rigorous standard that has been construed broadly across procedural and
24 statutory contexts." *Id* at 1259.

25 "Consequently, requests for extensions of time made before the applicable deadline has
26 passed should 'normally ... be granted in the absence of bad faith on the part of the party seeking
27 relief or prejudice to the adverse party.'" *Id.* (Internal citation omitted).

1 Here, Plaintiff's counsel was served with the instant Motion for Summary Judgment on
2 March 23, 2017. Also on March 23, 2017, Plaintiff's counsel was served with three other
3 motions for summary judgment in the Related Cases.²

4 Plaintiff has good cause to request this timely³ extension of the deadlines to respond to
5 Defendants' four simultaneous filings of their Motions for Summary Judgment because of the
6 sheer volume and size of the motions in addition to the mass amount of evidence⁴ obtained in
7 discovery to refute the motions and the subtleties and nuances between the FMLA and ADA
8 causes of action in these specific cases.

9 For example, in *Bouch v. Eldorado Resorts Corporation, et al.*, the motion consisted of
10 thirty-one pages and thirty-nine exhibits (ECF No. 68), a Notice of Filing (ECF No. 70) and
11 Index of Exhibits (ECF No. 69), totaling approximately 402 (four-hundred and two) pages. In
12 *Olshansky v. Eldorado Resorts Corporation, et al.*, the motion consisted of eighteen pages and
13 twenty exhibits (ECF No. 62), a Notice of Filing (ECF No. 64) and Index of Exhibits (ECF No.
14 63), totaling approximately 271 (two-hundred and seventy-one) pages. In *Parr v. Eldorado
15 Resorts Corporation, et al.*, the motion consisted of thirty-one pages and twenty-three exhibits
16 (ECF No. 53), a Notice of Filing (ECF No. 55) and Index of Exhibits (ECF No. 54), totaling
17 approximately 261 (two-hundred and sixty one) pages. In *Sekkatv. Eldorado Resorts
18 Corporation, et al.*, the motion consisted of twenty-five and twelve exhibits (ECF No. 64), a
19 Notice of Filing (ECF No. 66) and Index of Exhibits (ECF No. 65), totaling approximately 261
20 (two-hundred and sixty one) pages.

21 It would be challenging to respond to a single Motion for Summary Judgment of this size
22 and magnitude within the time frame required. However, responding to all four is simply
23 impractical. The amount of depositions being conducted and the overlap of motions including

24
25 ² The Motions for Summary Judgment in the Related Cases, including the instant motion, are: *Kaplan v. Eldorado
26 Resorts Corporation, et al.*, 2:15-cv-01015-RFB-PAL (ECF No. 57); *Barnes v. Eldorado Resorts Corporation, et
27 al.*, 2:15-cv-01026-RFB-PAL (ECF No. 60); *Parr v. Eldorado Resorts Corporation, et al.* (ECF No. 50), 2:15-cv-
01028-RFB-PAL (ECF No. 60); and *Scheinburg v. Eldorado Resorts Corporation, et al.*, 2:15-cv-01031-RFB-PAL
(ECF No. 63).

28 ³ Plaintiff's deadline to respond to dispositive motions is April 24, 2017.

29 ⁴ Including but not limited to years of medical records, paystubs, chargeback records and time sheets.

**PLAINTIFF'S MOTION FOR AN EXTENSION TO RESPOND TO DEFENDANTS'
DISPOSITIVE MOTIONS (Second Request)**

1 the amount of exhibits and evidence in the instant case and Related Cases has put Plaintiff in a
2 position of needing until May 15, 2017, to respond to Defendants' dispositive motions.

III.

CONCLUSION

For the above stated reasons, Plaintiff respectfully requests an extension of time until May 15, 2017, to allow Plaintiff to file their responses to Defendants' Motion for Summary Judgment. Plaintiff respectfully requests that the Court grant Plaintiff an extension of time until May 26, 2017.

DATED: April 24, 2017

WATKINS & LETOFSKY, LLP

By: /s/ Daniel R. Watkins

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Attorneys for Plaintiff, STEVEN

OLSHANSKY

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

DATED this 24th day of May, 2017.

1
2 **CERTIFICATE OF SERVICE**
3
4

5 I hereby certify that I electronically transmitted the attached document to the Clerk's Office
6 using CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM
7 ECF registrants:
8

9 Anthony L. Martin
10 Jill Garcia
11

12 I am an employee with Watkins & Letofsky and am "readily familiar" with the firm's
13 practice of collection and processing correspondence for mailing. It is deposited with U.S. postal
14 service on the same day in the ordinary course of business, addressed to the following:
15

16 Anthony Martin, Esq.
17 Jill Garcia, Esq.
18 OGLETREE, DEAKINS, NASH, SMOAK,
19 & STEWART, P.C.
20 Wells Fargo Tower, Suite 1500
21 3800 Howard Hughes Parkway
22 Las Vegas, NV 89169
23

24 Attorney for Defendants,
25 ELDORADO RESORTS CORPORATION,
26 MICHAEL MARRS, BRUCE POLANSKY,
27 DOMINIC TALEGHANI, KRISTEN
28 BECK, and JAMES GRIMES

1 Executed on this 24th day of April, 2017 at Newport Beach, California.

2 _____
3 /s/ Susan Watkins
4 Susan Watkins, an employee of
5 WATKINS & LETOFSKY, LLP
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